

- - REMARKS - -

Claims 1-32 are currently pending in the application. Claims 26-32 have been withdrawn from consideration. Claims 1, 7-9 and 12 have been amended. The changes to the amended claims from the previous versions to the rewritten versions are shown above with a strike-through for deleted matter and underlines for added matter. No new matter has been added as a result of these amendments.

As an initial matter, Applicants note that claims 27-32 each contain a typographical error in the dependency of the claims. In particular, each of these claims purportedly depends from claim 25, but should actually depend from independent claim 26. In view of the election/restriction requirement discussed below, it appears that the Examiner is aware of the error and correctly considered these claims to depend from claim 26. In any event, and as discussed below, these claims have been withdrawn from consideration and therefore will not be amended to correct the error at this time.

In the outstanding Office Action, an election/restriction requirement has been entered asserting that the claims are directed to two patently distinct species. In particular, it has been asserted that claims 1-25 (Species A) are directed to balloon catheter having a stiffening member non-fixedly connected to the distal end of the balloon, and claims 26-32 (Species B) are directed to a balloon catheter having an inner catheter fixedly connected to the distal end of the balloon. Applicants affirm the election of Species A, claims 1-25. Claims 26-32 have been withdrawn from consideration.

In the outstanding Office Action, the drawings have been objected to as failing to comply with 37 CFR 1.121(d) for not being of sufficient quality to examination. The objection is respectfully traversed. Applicants believe that the informal drawings provide sufficient detail to permit examination. Replacement informal drawings have nevertheless been provided with this response.

In the outstanding Office Action, claims 1, 7-9 and 12 have been objected to because of certain informalities. In particular, the use of the term "shaft" in these claims has been objected to because this term does not appear in the detailed description of the specification. The Examiner has construed the term "shaft" to mean "outer catheter". These claims have been amended to correct the informalities.

In the outstanding Office Action, claims 1, 7, 13, 14, 19 and 20 have been rejected under 35 U.S.C. § 102(b) as being anticipated by EP Patent No. 1016430 to Sakai et al. (hereinafter "Sakai"). Claims 2-6, 8-12, 15-18 and 21-25 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sakai in view of one or more of US Patent No. 5,700,242 to Mulder, US Publication No. 2003/0130716 to Weber et al., US Patent No. 5,425,712 to Goodin, US Patent No. 6,514,228 to Hamilton et al., US Publication No. 2002/0128596 to Stivland et al., US Patent No. 5,364,354 to Walker et al., US Patent No. 5,108,416 to Ryan et al., US Patent No. 5,605,543 to Swanson, and US Patent No. 7,163,523 to Devens et al. The rejections under 35 U.S.C. §§ 102(b) and 103(a) are respectfully traversed.

Independent claim 1 is directed to a balloon catheter comprising a catheter and stiffening member extending from the distal end thereof, wherein the proximal end of the balloon is fixedly connected to the distal end of the catheter and the distal end of the balloon is non-fixedly connected to the stiffening member. Claim 1 further requires that the distal end of the balloon be restrained against transverse movement by the stiffening member, while not being restrained against axial movement by either the stiffening member or the catheter. As explained in detail in the specification for the present application, the claimed configuration provides a balloon that is allowed to lengthen or retract (e.g., during inflation or deflation) without being restrained by either the stiffening member or the catheter. The distal end of the balloon is nevertheless constrained against transverse movement by the stiffening member so as to ensure that the balloon remains centered/aligned with the axis of the catheter. As will be demonstrated below, these features and limitations are neither suggested nor disclosed by the prior art.

The Examiner has asserted that Sakai discloses a balloon catheter having a stiffening member that is non-fixedly connected to the distal end of the balloon. In particular, the Examiner asserts that the inner tube (10) shown in Figs. 1A and 2 meet the stiffening member limitation of claim 1. Applicants respectfully disagree. Although Fig. 1A shows the inner tube (10) passing through a valve in the distal end of the balloon, Fig. 2 shows the inner tube (10) not passing through or connected in any manner to the distal end of the balloon. Thus, the inner tube (10), when in the

configuration shown in Fig. 2, is not non-fixedly connected to the distal end of the balloon. Moreover, the inner tube (10) is not capable of restraining the distal end of the balloon against transverse movement when in the configuration shown in Fig. 2.

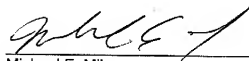
It should also be observed that the structure of Sakai that is most similar in construction and function to the claimed stiffening member is supporting rod member (42). However, as shown in Fig. 3, the distal end of the supporting rod member (42) is fixedly connected to the distal end of the balloon. As set forth in paragraph [0050] of Sakai, the "supporting rod member 42 provides support in the longitudinal direction to the balloon catheter 2, in particular the balloon portion 4, after the inner tube 10 is pulled out". It is therefore clear that the distal end of the Sakai balloon is restrained against longitudinal movement by the supporting rod member (42), irrespective of whether the inner tube (10) is in the configuration shown in Fig. 1A or Fig. 2.

As demonstrated above, Sakai fails to disclose or suggest the features and limitations of claim 1. The other references of record likewise fail to disclose or suggest these features and limitations.

Accordingly, and for at least the reasons discussed above, independent claim 1 is patentable over the art of record. The claims 2-25 are each dependent on claim 1, and are therefore likewise patentable for at least the same reasons that claim 1 has been demonstrated above to be patentable. Further discussion of these dependent claims is therefore unnecessary.

It is therefore believed that the application is in condition for allowance, and such allowance is now earnestly requested. If for any reason the Examiner is not able to allow the application, he is requested to contact the Applicants' undersigned attorney at (312) 321-4273.

Respectfully submitted,



Michael E. Miltz
Registration No. 34,880
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200